

**EPSTEIN
BECKER
GREEN**

Attorneys at Law

Shira M. Blank
t 212.351.4694
f 212.878.8600
sblank@ebglaw.com

June 18, 2024

VIA ECF

Hon. Dale E. Ho, U.S.D.J.
United States District Court, Southern District of New York
40 Foley Square
New York, NY 10007

Application **GRANTED**.

The initial pretrial conference is **ADJOURNED to July 16, 2024 at 12:00 p.m. ET**. The parties should dial in by calling (646) 453-4442 and entering the Phone Conference ID: 549 777 892, followed by the pound (#) sign. The parties shall file on ECF a joint letter, described at ECF No. 6, as well as a proposed Civil Case Management Plan and Scheduling Order attached as an exhibit to the joint letter, no later than **July 8, 2024**.

The Clerk of Court is respectfully requested to close ECF No. 13.

SO ORDERED.

Dale E. Ho
United States District Judge
Dated: June 20, 2024
New York, New York

Re: Barnes v. Fresh Direct, LLC, U.T.F. Trucking, Inc., and David McInerney
Case No.: 1:24-cv-03542 (DEH)

Dear Judge Ho:

This Firm represents defendants Fresh Direct, LLC and U.T.F. Trucking, Inc. (collectively, “Fresh Direct”) in the above-referenced action. Pursuant to Your Honor’s Individual Practice Rules 2(e), we write, with counsel for Plaintiff’s consent, to respectfully request that the Initial Pretrial Conference scheduled for July 2, 2024 (Dkt. No. 6), be adjourned by one week or to a date thereafter that is convenient for the Court, with the deadline to file the Civil Case Management Plan and Scheduling Order similarly extended.

Fresh Direct makes this request in order to allow it to complete its investigation into the claims and allegations and file its response to the Complaint, which is currently due on July 9, in advance of the Initial Pretrial Conference. Additionally, the parties are working collaboratively to narrow the issues presented in the litigation and they respectfully aver that the requested brief adjournment will allow them to continue to do so in advance of submitting the Civil Case Management Plan and Scheduling Order and in advance of the Initial Pretrial Conference.

The parties are available on the following dates: the morning of July 10, 2024 or anytime on July 11, 2024 or July 12, 2024.

This is Fresh Direct’s first request for an adjournment of the Initial Pretrial Conference, and the requested extension will not impact any other scheduled dates.

We thank the Court for its consideration of this request.

Respectfully submitted,

/s/ Shira M. Blank
Shira M. Blank